

Utah Antidiscrimination and Labor Advisory Council  
Meeting Minutes  
November 8, 2007  
12:05 pm to 1:00 pm  
Room 319

Council Members in attendance:

Sherrie Hayashi, Commissioner  
Heather Morrison, UALD Division Director  
Rick Thaler, General Public Representative  
Keith Nielson, Landlord Representative  
Monica Whalen, Employer Representative  
Brent Asay, Wage Claim Unit Manager  
Robert Wilde, Employee Representative  
Ralph Chamness, General Public Representative  
John Chindlund, Employer Representative  
Hap Stephens, Fair Housing Case Manager  
Monica S. Austen, Employment Discrimination Case Manager  
Alan Hennebold, Deputy Commissioner  
Sara Danielson, Council Secretary

Not in attendance:

James Deans, Landlord Representative  
Tony Montano, Employee Representative  
Jathan Janove, Employer Representative - Excused  
John Salazar Sr., Employee Representative  
Alison Draper, Tenant Representative  
Marty Blaustein, Tenant Representative  
Michael Styles, General Public Representative

Also in attendance:

Melva Sine, URA  
Kathryn Randack

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Commissioner Hayashi called the council meeting to order at 12:00 pm. Sherrie welcomed everyone.

Approval of Minutes for the Last meeting

Robert Wilde made a motion to approve the minutes of the last council meeting. John Chinlund seconded that motion. The voting was unanimous to approve the minutes.

Split of Fair Housing Unit and Employment Discrimination Unit

Heather Morrison explained that case load and requirements for Fair Housing investigations have necessitated the split of Fair Housing and Employment Discrimination into two separate units. Hap Stephens is the manager of the Fair Housing

Unit and Monica Austen is the manager of the Employment Discrimination Unit. Monica Austen introduced herself.

#### Uniforms

Brent Asay reported that the uniform rule has been placed on hold pending the issuance of OSHA's rule regarding personal protective equipment and what the employer has to provide and pay for. Monica Whalen stated that the federal rule should be out by the end of November. The federal rule should address specifically what the employer should provide and pay for.

#### Tip Rules

Brent Asay and Monica Whalen explained the proposed Tip Rule language. They explained that this proposed language is inline with the Federal rules and clarified the existing language. Discussion was had regarding 1) Voluntary and mandated tip pooling; 2) Who is and is not a tipped employee; and 3) Does participation in a voluntary tip pooling go toward the minimum wage credit for employers.

Robert Wilde moved that the sub committee revisit the tip rule and follow-up on some of the comments made in the meeting regarding voluntary and mandated tip pooling and who is a tipped employee. Monica Whalen seconded. The voting was unanimous. Sherrie suggested that the sub-committee be enlarged to include whomever might be helpful.

#### Wrap-Up of Fiscal Year 2007

Heather handed out some graphs that show the trends and numbers of cases the Division has handled during the past year. She stated that the numbers of cases files has increased. This is due in part to the training that is being done in the community.

#### 2008 Meeting Dates

The dates for the 2008 Council meetings have been set. Lunch will begin at 11:30 am with the business meeting beginning at noon.

#### Other issues:

The Commission is proposing that the licensing of temporary staffing agencies be repealed.

The Commission does not inquiry as to the status of claimants, in any of the units of the Division. The Commission is under no obligation to notify anyone of the status of claimants. The Commission as a whole does not inquire as to the status of claimants.

Monica Whalen commended Heather on her speaking engagement at the Bar Association. She stated that Heather provided very good information about the Division.

Sherrie thanked the committee for their comments. She then adjourned the meeting at 1:00 with a reminder that the next meeting would be held on February 7, 2008 at 11:30 for lunch and the business meeting portion would begin at noon.